

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ERIC RICHMANN,

Plaintiff,

v.

No.: 2:20-cv-00594-KG-SMV

BNSF RAILWAY COMPANY,  
BOOKER AND JANE DOE MUNN, DOES 1 THROUGH 5,

Defendants.

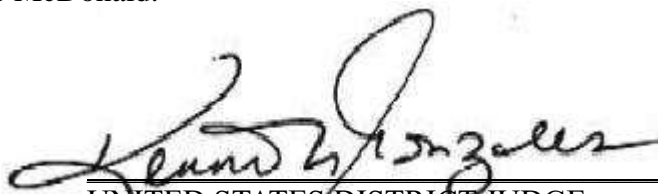
STIPULATED ORDER REGARDING CASE MANAGEMENT  
Re: Causation and Damages Jury Trial Only

THIS MATTER having come before the Court on the Stipulation of the parties, and the Court finding that the parties' Stipulation is in the substantial interest of justice and will facilitate the timely and economical resolution of this matter in compliance with the Civil Justice Reform Act, the Court hereby enters its ORDER as follows:

1. Plaintiff's Motion to Amend Personal Injury Complaint and Memorandum in Support [Docs. 33 and 34] shall be and hereby is WITHDRAWN by stipulation of the parties.
2. No later than 14 days following entry of this Order, BNSF Railway Company shall file an Amended Answer in this matter admitting as to the negligence elements of (a) duty and (b) breach of duty.
3. By stipulation, Defendants Booker Munn and Jane Doe Munn shall be and hereby are DISMISSED as defendants.
4. By stipulation, the Court hereby FINDS and CONCLUDES that Booker Munn was the employee and/or agent of BNSF Railway Company working within the course and scope of his employment at the time of the May 16, 2017 occurrence which is the subject of Plaintiff's Complaint [Doc. 1-2].
5. BNSF Railway Company shall be and hereby is HELD vicariously liable for the acts and omissions of Mr. Booker Munn as alleged in Plaintiff's Complaint [Doc. 1-2].
6. By stipulation, Count II (§§ 28-29) of Plaintiff's Complaint [Doc. 1-2] and any claim for punitive damages shall be and hereby is DISMISSED *with prejudice*.

7. The Court's Scheduling Order [Doc. 31] shall be and hereby is VACATED.
8. No later than 30 days following entry of this Order, the parties shall jointly prepare and submit to the Court a revised Joint Status Report and Provisional Discovery Plan as to the remaining negligence issues of (c) causation of injuries/damages and (d) amount of damages.
9. Allowable discovery on the remaining issues of negligence causation and damages shall be and hereby is limited to 6 depositions per side not exceeding 4 hours per deposition, 5 additional interrogatories per side, 25 additional requests for admission per side and 10 additional requests for production per side. No other fact discovery shall be permitted without leave of court on good cause shown.
10. On or before September 3, 2021, the parties shall appear and participate in a private mediation with mediator Bruce McDonald.

IT IS SO ORDERED.



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UNITED STATES DISTRICT JUDGE

**STIPULATED AND APPROVED BY:**

By: /s/Julia E. McFall  
Julia E. McFall

**ATKINSON, BAKER & RODRIGUEZ, P.C.**

201 Third Street NW, Suite 1850

Albuquerque, NM 87102

Tel: (505) 764-8111

Fax: (505) 764-8374

*Attorneys for Defendants BNSF Railway Company and Booker Munn*

-AND-

By: /s/ Henry Cabrera (via email 4.12.2021)  
Henry G. Cabrera

**CABRERA LAW FIRM**

525 E. Lohman Ave., Suite B

Las Cruces, NM 88001

Tel: (575) 523-0114

Fax: (575) 366-8008

*Attorneys for Plaintiff*